

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Antoine Laverne Jones, Civil No. 05-2474 DSD/AJB

Petitioner,

v.

ORDER

State of Minnesota and
Warden Connie Roehrich,

Respondents.

This matter is before the court upon petitioner Antoine Laverne Jones's objections to the report and recommendation of Magistrate Judge Arthur J. Boylan dated June 2, 2006. In his report, the magistrate judge concluded that respondents' motion to dismiss should be granted and that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 should be dismissed.

The court reviews the reports and recommendations of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). Petitioner objects to the magistrate judge's conclusion that (1) his sentencing and ineffective assistance of counsel claims must be dismissed on procedural grounds and (2) his jury waiver claim fails on the merits. After a thorough review of the entire file and record, the court finds that the report and recommendation of the magistrate judge is well-reasoned and correctly resolves the issues in this matter. Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Respondents' motion to dismiss [Doc. No. 7] is granted.
2. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 [Doc. No. 1] is dismissed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 10, 2006

s/ David S. Doty
David S. Doty, Judge
United States District Court